

PATENT COOPERATION TREATY

400 2 9 2011

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

To:
Champlin, Judson K.
WESTMAN, CHAMPLIN & KELLY, P.A.
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
ETATS-UNIS D'AMERIQUE

(PCT Rule 44.1)

Date of mailing (day/month/year)	29 August 2011 (29-08-2011)
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Applicant's or agent's file reference C382.13-0212UKC
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FOR FURTHER ACTION	See paragraphs 1 and 4 below
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International application No. PCT/US2011/026608
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International filing date (day/month/year)	1 March 2011 (01-03-2011)
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Applicant MIDTRONICS, INC.

DOCKETED	10-29-11
RESPONSE DUE	11-27-11
CALENDARED	11-27-11
CHECKED BY CITY	11-27-11

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040

Authorized officer

GIEL-BARRAGÁN RAMOS, Cecilia
Tel: +31 (0)70 340-3046

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference C382.13-0212/JKC	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2011/026608	International filing date (day/month/year) 01/03/2011	(Earliest) Priority Date (day/month/year) 03/03/2010
Applicant MIDTRONICS, INC.		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the International application in the language in which it was filed
☐ a translation of the International application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the **figure of the drawings** to be published with the abstract is Figure No. 1
☐ as suggested by the applicant
☐ as selected by this Authority, because the applicant failed to suggest a figure
☒ as selected by this Authority, because this figure better characterizes the invention
- b. ☐ none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No

PCT/US2011/026608

A. CLASSIFICATION OF SUBJECT MATTER

INV. H01M10/42 G01R31/36
ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

H01M G01R

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2005/218902 A1 (RESTAINO HARVEY A [US] ET AL) 6 October 2005 (2005-10-06) paragraph [0006] page 3, paragraph 25 - paragraph 26 page 9, paragraph 75 page 10, paragraph 79 - paragraph 85	1-21
A	US 6 136 914 A (HERGENROTHER WILLIAM L [US] ET AL) 24 October 2000 (2000-10-24) column 2, line 25 - line 49 column 3, line 36 - line 54 column 5, line 59 - line 66	1-21
A	US 2003/078743 A1 (BERTNESS KEVIN I [US] ET AL) 24 April 2003 (2003-04-24) paragraph [0019] - paragraph [0020] paragraph [0039] - paragraph [0044] paragraph [0052]	1-21

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Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
 "E" earlier document but published on or after the international filing date
 "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
 "O" document referring to an oral disclosure, use, exhibition or other means
 "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
 "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
 "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
 "&" document member of the same patent family

Date of the actual completion of the international search

22 August 2011

Date of mailing of the international search report

29/08/2011

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040,
Fax: (+31-70) 340-3016

Authorized officer

Gamez, Agnès

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2011/026608

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A,P	US 2010/314950 A1 (RUTKOWSKI BRIAN D [US] ET AL) 16 December 2010 (2010-12-16) page 3, paragraph 33 page 4, paragraph 41 - paragraph 43 page 6, paragraph 66 -----	1-21
A,P	US 2011/004427 A1 (GORBOLD JEREMY RICHARD [GB] ET AL) 6 January 2011 (2011-01-06) page 1, paragraph 14 - paragraph 15 page 2, paragraph 20 - paragraph 22 page 4, paragraph 36 page 5, paragraph 45 - paragraph 47 page 6, paragraph 56 - paragraph 59 page 9, paragraph 75 page 10, paragraph 79 - paragraph 85 -----	1-21

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2011/026608

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2005218902	A1	06-10-2005	NONE
US 6136914	A	24-10-2000	BR 9902331 A 02-05-2000 CA 2265238 A1 13-09-1999 EP 0942004 A2 15-09-1999 JP 11315108 A 16-11-1999 US 6271314 B1 07-08-2001
US 2003078743	A1	24-04-2003	NONE
US 2010314950	A1	16-12-2010	WO 2010144524 A2 16-12-2010
US 2011004427	A1	06-01-2011	DE 102010030818 A1 17-02-2011

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2011/026608

International filing date (day/month/year)
01.03.2011

Priority date (day/month/year)
03.03.2010

International Patent Classification (IPC) or both national classification and IPC
INV. H01M10/42 G01R31/36

Applicant
MIDTRONICS, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 2240

Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Gamez, Agnès

Telephone No. +31 70 340 4469



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2011/026608

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
- ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
- a. (means)
 - ☐ on paper
 - ☐ in electronic form
 - b. (time)
 - ☐ in the international application as filed
 - ☐ together with the international application in electronic form
 - ☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	<u>1-21</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-21</u>
Industrial applicability (IA)	Yes: Claims	<u>1-21</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1 US 2005/218902 A1 (RESTAINO HARVEY A [US] ET AL) 6 October 2005 (2005-10-06)
- D2 US 6 136 914 A (HERGENROTHER WILLIAM L [US] ET AL) 24 October 2000 (2000-10-24)
- D3 US 2003/078743 A1 (BERTNESS KEVIN I [US] ET AL) 24 April 2003 (2003-04-24)
- D4 US 2010/314950 A1 (RUTKOWSKI BRIAN D [US] ET AL) 16 December 2010 (2010-12-16)
- D5 US 2011/004427 A1 (GORBOLD JEREMY RICHARD [GB] ET AL) 6 January 2011 (2011-01-06)

1. Novelty of independent claims 1 and 17

Document D1 discloses a battery tester module (paragraphs 25, 81-85, figures 3,19) comprising a battery tester housing , Kelvin connections configured to couple to terminals of the storage battery, battery test circuitry, data connections (265 of figure 19) configured to communicate data from a first battery tester module to a second battery tester module or third one and to a receiving station (262).

The method for measuring parameters of a plurality of storage battery with the measure of a parameter for each storage battery, the transmission of a first measurement to a second battery test module and the transmission of the first measured parameter and a second measured parameter from the second battery test module to a receiving station (paragraphs 81-85).

The present application does then not meet the criteria of Article 33(2) PCT, because the subject-matter of claims 1 and 17 is not new.

2. Inventive step of independent claims 1 and 17

As the subject-matter of claims 1 and 17 is not new, the subject-matter of claims 1 and 17 does also not involve an inventive step according to Article 33(3) PCT.

3. Dependent claims

Dependent claims 2 to 16 and 18 to 21 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see the references of the cited documents cited in the search report .

The features of the dependent claims are merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.